

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JEAN-PAUL FOUCHECOURT,

Civ No.: 07 CIV 3778 (DC)

Plaintiff,

-against-

AFFIDAVIT IN SUPPORT

METROPOLITAN OPERA ASSOCIATION, INC.,
FRANCO ZEFFIRELLI and HARTFORD FIRE
INSURANCE COMPANY,

Defendants.
-----X

STATE OF NEW YORK)
 :
COUNTY OF NEW YORK)

ABE M. RYCHIK, an attorney duly admitted to practice law in the Courts of the State of New York affirms the following to be true under the penalty of perjury

1. I am a Member of the law firm of Melito & Adolfsen, P.C., attorneys for the defendant Metropolitan Opera Association, Inc (hereinafter "The Met") in the above captioned matter and as such, I am fully familiar with the facts and circumstances surrounding this instant matter. I make this Affidavit in Support of The Met's motion to dismiss the plaintiff's Complaint.

2. **Exhibit "A"** is a true and correct copy of the performance contract entered into between the plaintiff and The Met dated April 4, 2002 and an agreement dated May 15, 2005.

3. **Exhibit "B"** is a copy of the plaintiff's Summons and Complaint.

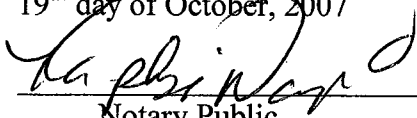
4. **Exhibit "C"** is a copy of the Stipulation of Discontinuance executed by counsel for The Met and the plaintiff in which plaintiff agreed to discontinue his causes of action of Fraud and Conspiracy against The Met.

5. **Exhibit "D"** is a true and correct copy of the Workers' Compensation C-2 Form filed by The Met on behalf of the plaintiff.

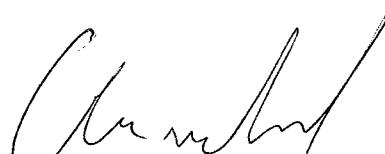
6. **Exhibit "E"** is a copy of the Governor's Bill Jacket for the amendment to §2 of the New York State Workers' Compensation Law.

Dated: New York, New York
October 19, 2007

Sworn to before me this
19th day of October, 2007



Notary Public



ABE M. RYCHIK (8618)



KAREN PHYLLIS NAUSLAR-PAPIR
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01NA6083751
QUALIFIED IN RICHMOND COUNTY
COMMISSION EXPIRES NOVEMBER 25, 2010